

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1947 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

USMANBHAI ALLUBHAI SHAIKH

Versus

SIDDHPUR MUNICIPALITY

Appearance:

MR SK BUKHARI for Petitioner
MR PK JANI for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 11/07/96

ORAL JUDGEMENT

1. Rule. Mr. P.K. Jani waives service of rule on behalf of Respondent No.1. With the consent of the learned advocates appearing for the parties, the matter is finally heard today.

2. The main grievance of the petitioner who has retired from service of the respondent municipality as back as 31st October, 1995 is that despite his retirement he is not being paid the amount of gratuity and provident fund with statutory interest as payable. Mr. P.K. Jani, learned Counsel appearing for the respondent has filed affidavit of Chief Officer of Sidhpur Nagarpalika and has mainly contended that respondent Municipality has ever desired to pay up the amount of provident fund and gratuity payable to the retired employees, but, unfortunately, because of very weak financial condition of Municipality, it is discharging its liability towards its employees by making the payment in monthly installments. Statement of persons retired who are being paid amount of gratuity, provident fund with interest in installments is produced and it appears that large number of persons who have retired are being paid the amount of gratuity and provident fund along with interest in installments. This is undoubtedly unhappy state of affair and in fact the State Government should look into the matter and to see to it that sufficient amount is made available to such municipalities so that at least amount of gratuity and provident fund of the retired employees could be paid up immediately on the retirement because very often that is the only source of livelihood for such retired employees after their retirement. However, in the facts and circumstances of the case, the petitioner could be awarded same treatment which is being awarded to other employees and it is directed that he shall be paid an amount of Rs. 20,000/- (Rupees twenty thousand only) towards amount of gratuity, provident fund and interest thereon by 31st of August, 1996 and thereafter every month instalment of Rs. 7,500/- (Rupees seven thousand and five hundred only) shall be paid to the petitioner till the full amount of gratuity, provident fund and interest payable thereon is wiped out. Rule is accordingly made absolute. There shall be no order as to costs.
